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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/241,153	02/01/1999	TAKAAKI TERASHITA	048986-5001	8305

7590 09/23/2003
MORGAN LEWIS & BOCKIUS
1800 M STREET NW
WASHINGTON, DC 20036

EXAMINER

TILLERY, RASHAWN N

ART UNIT PAPER NUMBER

2612

DATE MAILED: 09/23/2003

remailed - *[Signature]*

Please find below and/or attached an Office communication concerning this application or proceeding.



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Office Action Summary

Application No.

09/241,153

Applicant(s)

TERASHITA, TAKAAKI

Examiner

Rashawn N Tillery

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed December 30, 2002, regarding the image processing conditions being set to reproduce uniform images regardless of the kinds of digital cameras, have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Parulski et al (US5040068).

Parulski teaches an image recording unit, 30 (image processing unit) with interchangeable image pickup units, 4a and 4b (monochrome and color, high and low resolution). In a first embodiment, figure 1, a coding means, 14, sends identifying signals to the recording unit for identifying the image pickup unit (mono and color) based on the characteristics of the sensor (see col. 3, lines 49-61; also col. 4, lines 9-19). Similarly, in a second embodiment (figure 2), a coding means is used to identify the image pickup unit (high and low resolution), however, a signal processing section is

Art Unit: 2612

added (84, in figure 2). The signal processor includes processing such as color separation, white balance, gamma correction, etc (see col. 5, lines 57-68 and col. 6, lines 1-9). Additionally, in the second embodiment, the A/D converter, 34, is inside the image pickup unit.

Regarding claims 1 and 6, Parulski discloses, in two separate embodiments- figures 1 and 2, an image processing apparatus (30) for carrying out image processing on digital image signals, which have been acquired with different kinds of digital cameras (interchangeable image pickup units 4a and 4b), the apparatus comprising:

input means (30) for reading the digital image signals and receiving camera kind information (code means 30 sends identifying signals), which represents the different kinds of digital cameras (mono or color);

recording means (Examiner notes that in identifying which pickup unit is attached, the code means inherently stores "condition information" associated with the respective imager- mono or color) for recording condition information, which represents image processing conditions for the different kinds of digital cameras, the image processing conditions including values for at least one of gradation correction and color correction of the digital image signals (see col.5, lines 57-68), the image processing conditions (generation of timing signals) being set to reproduce uniform images regardless of the kinds of digital cameras (Examiner notes that the term "uniform," interpreted broadly, could be images with the same resolution, or the same color, or the same aspect ratio, or even the same timing signals. Parulski discloses control processor 40 controls the generation of horizontal and vertical clock signals, via timing

Art Unit: 2612

generator 38, regardless of the type of imager attached- monochrome or color; see col. 4, lines 45-61 and col. 5, lines 47-50; examiner additionally notes that in producing digital images, regardless of the imager attached, Parulski reproduces "uniform" images);

selection means (the processor inherently has a selection means in order to perform proper processing on the respective imagers) for selecting optimum image processing conditions from the condition information, in accordance with the camera kind information (see col. 6, lines 10-24); and

image processing means (84) for carrying out image processing on the digital image signals under the selected optimum image processing conditions (see examiners notes above).

Regarding claim 2, Parulski discloses statistical information (shutter, aperture, speed of image sensor) of the digital image signals is calculated (see col. 5, lines 3-8), and the image processing conditions are determined in accordance with the statistical information.

Regarding claim 3, Parulski discloses displaying the identity of the pickup unit (see col. 4, lines 65-68 and col. 5, lines 1-3).

Regarding claim 4, see Examiner's notes above.

Regarding claim 5, Parulski discloses manually inputting the camera kind information (see col. 9, lines 3-8).

Regarding claim 8, see claim 2 above.

Regarding claim 9, see claim 3 above.

Regarding claim 10, see Examiner's notes above.

Regarding claim 11, see claim 5 above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

RNT
March 4, 2003


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600